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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,710	03/17/2004	Wen Hsiang Yuch	MR1957-862	1839
4586 7590 07/26/2007 ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			EXAMINER YUN, EUGENE	
			ART UNIT 2618	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



# Office Action Summary

Application No.

10/801,710

Applicant(s)

YUEH, WEN HSIANG

Examiner

Eugene Yun

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_



## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-6, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagayasu et al. (US 7,110,800) in view of Alajajian (US 5,668,880).

Referring to Claim 1, Nagayasu teaches a bluetooth earphone module with audio player function, comprising:

A housing (see 10 in fig. 1);

A digital signal processing (DSP) unit disposed within the housing processing a digital signal (see 24 in fig. 5A);

a bluetooth module disposed within the housing and receiving a remote data signal and replying with a modulation signal (see col. 2, lines 11-19);

a voice transmission and encoder/decoder unit disposed within the housing and connected to the DSP unit and the bluetooth module for encoding/decoding voice and converting digital/analog messages (see col. 7, lines 16-24);

a voice output unit disposed within the housing and connected to the voice transmission and encoder/decoder unit and the audio player decoder for providing an aural output to a user (see col. 7, lines 24-29); and



a microphone disposed within the housing and connected to the voice transmission and encoder/decoder unit (see 13 in fig. 5A).

Nagayasu does not teach an audio player decoder disposed within the housing and connected to the DSP unit for decoding an audio player compressed digital file into an analog voice signal. Alajajian teaches an audio player decoder disposed within the housing and connected to the DSP unit for decoding an audio player compressed digital file into an analog voice signal (see col. 26, lines 23-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Alajajian to said device of Nagayasu in order to provide a more clear output signal.

Referring to Claim 12, Nagayasu teaches a Bluetooth earphone module with audio player function, comprising:

A digital signal processing (DSP) unit for processing digital signals (see 24 in fig. 5A);

a bluetooth module for receiving a remote data signal and replying with a modulation signal (see col. 2, lines 11-19);

a voice transmission and encoder/decoder unit connected to the DSP unit and the bluetooth module for encoding/decoding voice and converting digital/analog messages (see col. 7, lines 16-24);



a voice output unit connected to the voice transmission and encoder/decoder unit and the audio player decoder for providing an aural output to a user (see col. 7, lines 24-29); and

a microphone connected to the voice transmission and encoder/decoder unit (see 13 in fig. 5A).

Nagayasu does not teach a memory unit having at least one audio player compressed digital file stored therein being connected to the DSP unit and an audio player decoder connected to the DSP unit for decoding the audio player compressed digital file into an analog voice signal. Alajajian teaches a memory unit having at least one audio player compressed digital file stored therein being connected to the DSP unit and an audio player decoder connected to the DSP unit for decoding the audio player compressed digital file into an analog voice signal (see col. 26, lines 23-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Alajajian to said device of Nagayasu in order to provide a more clear output signal.

Referring to Claim 13, Nagayasu teaches a Bluetooth ear[hone module with audio player function, comprising:

A digital signal processing (DSP unit processing digital signal (see 24 in fig. 5A);

A Bluetooth module receiving a remote data signal and replying with a modulation signal (see col. 2, lines 11-19);



a voice transmission and encoder/decoder unit connected to the DSP unit and the bluetooth module for encoding/decoding voice and converting digital/analog messages (see col. 7, lines 16-24);

a voice output unit connected to the voice transmission and encoder/decoder unit and the audio player decoder (see col. 7, lines 24-29); and

a microphone connected to the voice transmission and encoder/decoder unit (see 13 in fig. 5A).

Nagayasu does not teach a reader unit connected to the DSP unit and a memory card removable coupled to the reader unit, and controlled by the DSP unit for accessing an audio player compressed digital file stored in the memory card and an audio player decoder connected to the DSP unit for decoding the audio player compressed digital file into an analog voice signal. Alajajian teaches a reader unit connected to the DSP unit and a memory card removable coupled to the reader unit, and controlled by the DSP unit for accessing an audio player compressed digital file stored in the memory card and an audio player decoder connected to the DSP unit for decoding the audio player compressed digital file into an analog voice signal (see col. 26, lines 23-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Alajajian to said device of Nagayasu in order to provide a more clear output signal.



Referring to Claim 4, Nagayasu also teaches an input unit disposed within the housing and connected to the DSP unit for controlling the DSP unit with a control signal (see col. 5, lines 53-62).

Referring to Claim 5, Nagayasu also teaches the voice output unit as an earphone (see 18 in fig. 1).

Referring to Claim 6, Nagayasu also teaches an ancillary earphone connected to the voice transmission and encoder/decoder and the audio player decoder (see col. 7, lines 24-32).

Referring to Claim 11, Nagayasu also teaches the Bluetooth module communicating with a remote bluetooth cell phone (see col. 2, lines 11-19).

3. Claims 3 and 7-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Nagayasu in view of Dvorak (US 7,116,940).

Referring to Claim 3, the combination of Nagayasu and Alajajian does not teach a flash memory. Dvorak teaches a flash memory (see col. 2, lines 40-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Dvorak to the modified device of Nagayasu and Alajajian in order to expand the capabilities of a short range, hands free communication.

Referring to Claim 7, Alajajian also teaches a reader unit disposed within the housing and connected to the DSP unit, and a memory card having at least one audio player compressed digital file, the reader unit being controlled by the DSP unit for accessing the audio player compressed digital file in the memory card (see col. 26, lines



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23-43). The combination of Nagayasu and Alajajian does not teach the memory card removably inserted in the reader unit. Dvorak teaches the memory card removably inserted in the reader unit (see col. 2, lines 40-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Dvorak to the modified device of Nagayasu and Alajajian in order to expand the capabilities of a short range, hands free communication.

Referring to Claim 8, Dvorak also teaches the memory card removable connected to the reader unit (see col. 2, lines 40-42).

Referring to Claim 9, Dvorak also teaches a flash memory (see col. 2, lines 40-42).

Referring to Claim 10, Dvorak also teaches the memory card as an MS (Memory Stick) card, a CF (Compact Flash) card, an SMC (Smart Media) card, an MMC (Multi Media) card or an SD (Secure Digital) card (see col. 2, lines 31-42).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, and 3-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Eugene Yun  
Examiner  
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EY

  
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SUPERVISORY PATENT EXAMINER